

**REMARKS**

Claims 1-15 have been examined. Claims 1, 3, 5-9, 11, and 13-15 have been rejected under 35 U.S.C. § 102(e), and claims 2, 4, 10, and 12 have been rejected under 35 U.S.C. § 103(a).

**I. Rejection under 35 U.S.C. § 102(e) over U.S.P. 6,212,555 to Brooks, Jr. et al.  
("Brooks")**

Claims 1, 3, 5-9, 11, and 13-15 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Brooks.

**A. Claim 1**

Applicants submit that claim 1 is patentable over the cited reference. For example, claim 1 comprises a transmitting device and an obtaining device. The transmitting device transmits correspondence information to an external portion, and the obtaining device obtains reproduction control information, which is generated based on the transmitted correspondence information.

The Examiner contends that the transmission means 5 shown in Fig. 2 of Brooks corresponds to the claimed transmitting device and that the receiver 6 corresponds to the claimed obtaining device. Applicants respectfully disagree.

For example, as noted above, the transmitting device transmits the correspondence information to an external portion. On the other hand, the transmission means 5 transmits

information to the receiver 6, which the Examiner contends corresponds to the claimed obtaining device. Thus, the transmitting means 5 does not transmit information to an external portion.

In addition, claim 1 states that the obtaining device obtains reproduction control information, which is generated based on the transmitted correspondence information from the transmitting device. On page 2 of the Office Action, the Examiner seems to maintain that, in Brooks, the alleged transmitting device 5 (1) transmits correspondence information to the alleged obtaining device 6 and (2) transmits the reproduction control information along with the correspondence information to the alleged obtaining device 6.

Assuming *arguendo* that the Examiner's interpretation of Brooks is accurate, such disclosure does not suggest the features recited in claim 1. Specifically, in Brooks, since the reproduction control information is transmitted along with the correspondence information, the reference does not suggest generating the reproduction control information based on the transmitted correspondence information.

Accordingly, Applicants submit that claim 1 is patentable over Brooks for at least the reasons presented above.

**B. Claims 3, 5, and 6**

Since claims 3, 5, and 6 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

**C. Claim 7**

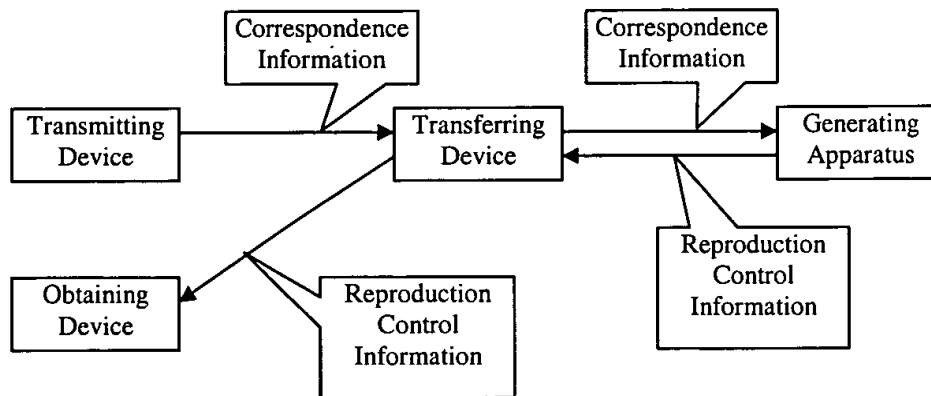
Since claim 7 contains features that are analogous to the features recited in claim 1, Applicants submit that it is patentable for at least the reasons presented above.

**D. Claim 8**

Since claim 8 depends upon claim 7, Applicants submit that it is patentable at least by virtue of its dependency.

**E. Claim 9**

Applicants submit that claim 9 is patentable over Brooks. For example, claim 9 comprises a transmitting device, a transferring device, a generating apparatus, and an obtaining device. The transmitting device transmits correspondence information to the transferring device, and the transferring device transfers the transmitted correspondence information to the generating apparatus. The generating apparatus generates the reproduction control information based on the transferred correspondence information and transmits the reproduction control information to the transferring device. The obtaining device obtains the reproduction control information from the transferring device. An example of this exchange is schematically shown in the figure below.



The Examiner contends that Fig. 3 of Brooks shows (1) a transmission means 5 that corresponds to the claimed transmitting device, (2) a receiver 6 that corresponds to the claimed obtaining device, and (3) a computer server 1 that corresponds to the claimed generating apparatus. Applicants respectfully disagree.

As recited in claim 9, the transmitting device transmits correspondence information to the transferring device, and the transferring device transfers the transmitted correspondence information to the generating apparatus. The generating apparatus generates the reproduction control information based on the transferred correspondence information.

According to the Examiner, in Brooks, the alleged transmitting device (i.e. the transmission means) 5 transmits the correspondence information to the receiver 6, and the alleged generating apparatus (i.e. the computer server) 1 generates the reproduction control information. However, assuming *arguendo* that the computer server 1 generates such control information, it does not generate the information directly or indirectly based on the information transmitted from the transmission device 5 to the receiver 1.

For at least the reasons above, claim 9 is patentable over Brooks.

**F. Claims 11 and 13-15**

Since claims 11 and 13-15 depend upon claim 9, Applicants submit that they are patentable at least by virtue of their dependency.

**II. Rejection under 35 U.S.C. § 103(a) over Brooks and U.S.P. 6,147,938 to Ogawa et al. (“Ogawa”)**

Claims 2, 4, 10, and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Brooks and Ogawa. Since claims 2, 4, 10, and 12 depend upon claim 1 or 9 and since Ogawa does not cure the deficient teachings of Brooks with respect to claims 1 and 9, Applicants submit that claims 2, 4, 10, and 12 are patentable at least by virtue of their dependency.

**III. Newly added claims**

Applicants have added new claims 16-29 to provide more varied protection for the invention.

**IV. Conclusion**

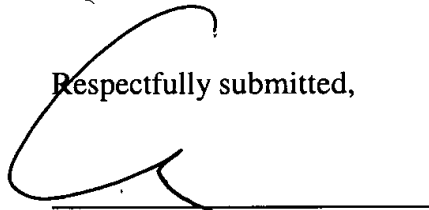
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/725,809

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Grant K. Rowan  
Registration No. 41,278

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: June 18, 2004